



PATENT
Attorney Docket No. 50996.0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eastman et al.

Application No.: 10/734,810

Filed: December 13, 2003

For: ALCOHOL ENHANCED ALTERNATIVE
FUELS

Examiner: Cephia D. Toomer

Art Unit: 1714

DECLARATION OF PRIOR INVENTION
(37 CFR § 1.131)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Whitney D. Lund declares:

1. I am a co-inventor listed on patent application serial number 10/734,810 and co-inventor of the subject matter described and claimed therein. I have reviewed and understand the contents of the above-identified application and the Office Action dated July 26, 2005, for this application.

2. I understand that claims 33-36, 38-40, 43, 44, and 75 are rejected under 35 U.S.C. § 102(e) as being anticipated by Binions (U.S. Patent Application Publication No. 20040107634). I also understand that claims 37, 45, and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Binions. The remarks and attached exhibit which follow establish that the subject matter of the rejected claims was reduced to practice prior to the December 5, 2002, the filing date of Binions.

3. Prior to December 5, 2002, the invention as described and claimed in the subject U.S. application had been completed in this country.

4. The specification of the present patent application at paragraphs 94 through 96 and Table 8 discloses HC, NO, and CO values resulting from an emission test of HC-0 and 3, CO-0.00 and 0.00, and NO-0 and 3 for a fuel with 65% alcohol and 35% naphtha.

5. Prior to December 5, 2002, having earlier conceived the idea, a composition and process for alcohol enhanced alternative fuels, was reduced to practice as evidenced by the Vehicle Inspection Report attached hereto as Exhibit "A".

6. The emission test results reported in the Vehicle Inspection Report were obtained using a 2002 Toyota Camry with the following emission test results: HC-0 and 3, CO-0.00 and 0.00, and NO-0 and 3.

7. Each of the dates deleted from Exhibit "A" is prior to December 5, 2002.

8. The attached Vehicle Inspection Report corroborates that this composition existed and was tested as shown in the report and the patent application.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

DATED this 26th day of January, 2006.





**Salt Lake County
Vehicle Inspection Report (VIR)**

PASS I/M ONLY

This document must remain in the vehicle. It may not be used to register the vehicle.

Visual Inspection: PASS Functional Check: PASS I/M Test: PASS

Test Date/Time: 10/11/2002 @ 12:37 License: 259LZJ I/M Fee: \$25.00 Certificate: 003185288

Thanks! Your Vehicle Passed the I/M Test!

By keeping your vehicle well maintained you are helping to keep:
160 tons of carbon monoxide(CO), 13 tons of hydrocarbons(HC), & 6 tons of nitrogen oxides(NOx)
out of the atmosphere in the Salt Lake Valley, each day.

Model Year:	2002	Make:	TOYOTA	Model:	CAMRY
Type:	Passenger	State:	UT	VIN:	4T1BE32K22J602142
Engine Size:	2.4 L	Cylinders:	4	Transmission:	Automatic
GVWR:	N/A	Test Weight:	3000	VLT Record #:	00004
Odometer:	11517	Certification:	California	Inspection Reason:	Initial Registration
Fuel Type:	Gasoline	Exhaust:	Single	Test Authorization #:	4204293

Emission Control Systems Visual Inspection/Functional Check Results

(Visual/Functional tests are used to assist in the identification of crankcase and cold start emissions which are not measured during the I/M test)

ECS	Result	ECS	Result	ECS	Result
Air Injection	N/A	Catalyst	PASS	Fuel Inlet Restrictor	PASS
EGR	PASS	Fuel Evaporative Controls	PASS	PCV	PASS
Malfunction Indicator Light	PASS	Fuel Cap Integrity Test	PASS		

ASM Emission Test Results

Test	RPM	%CO ₂		HC (PPM)			CO (%)			NO (PPM)			Results
		MEAS	MEAS	MAX	AVE	MEAS	MAX	AVE	MEAS	MAX	AVE	MEAS	
15 mph	0	15.2	0.0	103	24	0	0.54	0.07	0.00	1040	138	0	PASS
25 mph	2207	15.3	0.0	93	7	3	0.49	0.01	0.00	950	57	3	PASS

MAX-Maximum Allowable Emissions

AVE-Average Emissions For Passing Vehicles

MEAS-Amount Measured

Your vehicle passed the I/M test. Each year thousands of tons of air pollution are not emitted into the atmosphere because of the I/M programs. High levels of automotive air pollution affect the health and welfare of many Wasatch Front residents. Since I/M Programs began, the number of days that pollution levels exceed standards has dropped substantially.

We request your further help in reducing air pollution, particularly during times of severe temperature inversions when pollutants are trapped in our valleys. At these times:

1. Minimize travel, use ride sharing and public transit when possible.
2. Minimize the use of wood stoves and fire places.

For current air pollution information call 975-4009 in Salt Lake County. Your efforts to control air pollution help and are appreciated.

Thank you. If you have questions regarding the I/M program call (801) 313-6720.

If you have questions regarding your specific I/M test, please contact your I/M Station listed below:

I/M Inspection Station Information

LANCER AUTOMOTIVE
3687 S. 300 W.
Phone: 801268-8863
Station Number: 00000613

Technician Name/Number: ROBERTS DAVE L./BX001478
Repair Tech Name/Number:
Software Version: 0102
Analyzer Number: AA987131

I certify that to the best of my knowledge, the information in the report is true and correct.

11/09/02
Date

OK
Technician's Signature

I certify that to the best of my knowledge, the information in the report is true and correct.

Date

Owner's/Operator's Signature

A Blend